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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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In the Matter of)

Amendment of Parts 2, 25 and 97 of the
 Commission's Rules with Regard to the
 Mobile-Satellite Service Above 1 GHz)

) ET Docket No. 98-142

To: The Commission

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FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

COMMENTS OF UTC

Pursuant to Section 1.415 of the Commission's Rules, UTC¹ hereby submits its comments on the Notice of Proposed Rule Making, FCC 98-177, released August 4, 1998 (NPRM), in the above-captioned proceeding.² UTC's Comments are limited to the Commission's proposal to allocate the 6700-7075 MHz band for feeder downlinks by up to four non-geostationary orbit mobile satellite service (NGSO MSS) systems.

UTC is a not-for-profit association representing telecommunications interests of approximately 1,000 electric, gas and water utilities and natural gas pipelines. UTC's members range in size from large multi-state utilities serving millions of consumers, to small rural electric cooperatives and water districts serving only a few thousand consumers each. All utilities rely on telecommunications services and facilities in

¹ UTC, The Telecommunications Association, was formerly known as the Utilities Telecommunications Council.

² 63 Fed. Reg. 44597 (August 20, 1998).

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carrying out their underlying public service obligations, and many operate private operational fixed microwave facilities, licensed under Part 101 of the Commission's Rules. UTC is therefore pleased to have this opportunity to comment on the Commission's proposal to permit additional sharing of the 6 GHz microwave band.

UTC has serious concerns about the proposal to permit NGSO MSS use of the 6700-7075 MHz band for feeder downlinks, due to the fact that the band segment 6700-6875 MHz would be shared with terrestrial fixed microwave. In the Second Report and Order in ET Docket No. 92-9, the 6 GHz microwave bands were rechannelized and made available for various terrestrial microwave uses in order to accommodate the approximately 29,000 microwave links that were to be relocated from the 1850-1990 MHz and 2110-2200 MHz bands to make room for personal communications services and other emerging technologies, including mobile satellite service.³ At that time, the 6 GHz band was anticipated by the Commission to be the primary replacement band for 2 GHz microwave systems.

The current proposal to allocate NGSO MSS downlink operations in the 6700-6875 MHz band will impact 175 MHz of spectrum out of only 450 MHz that is currently allocated for terrestrial fixed microwave use in the 6 GHz band. Although the NPRM indicates the FCC would limit NGSO MSS downlink use to no more than four NGSO MSS systems, the proposed amendments to Part 2 would impose no such limitations. Moreover, it is unclear whether a limitation on the number of NGSO MSS systems, *per*

se, would provide any interference protection to terrestrial fixed users. That is, without knowing the number of satellites above the horizon at any given time, nor their orbital geometries, it is impossible to predict their impact on terrestrial systems.

It is also unclear how many gateway earth stations will be needed by each NGSO MSS system, as well as the size of the zone around each station in which deployment of additional terrestrial fixed microwave transmitters will be precluded. As has been noted by the Fixed Wireless Communications Coalition (FWCC), band sharing between satellite and terrestrial microwave systems is problematic due to the typical manner in which satellite operators license each earth station for the entire band of allocated spectrum and across the entire orbital arc through which that earth station might be aimed. If this same type of coordination and licensing approach is employed in the case of NGSO MSS systems, given their more complex orbital geometries, it would not take too many licensed gateway facilities to effectively preclude any significant future licensing of terrestrial fixed microwave systems in "shared" bands. With NGSO MSS potentially "sharing" about one-third of the 6 GHz spectrum currently available for terrestrial fixed use, and given the Commission's express findings that the 6 GHz band will be used to accommodate the vast majority of terrestrial systems to be relocated from the 2 GHz band, the burden should be placed squarely on the proponents of NGSO MSS to conclusively demonstrate ability to share – both near term and long-term.

³ In ET Docket No. 95-18, the Commission is examining the manner in which MSS can be deployed in the 2 GHz band. Any limitations on the ability of current 2 GHz microwave users to relocate to the 6 GHz band will retard deployment of MSS at 2 GHz.

WHEREFORE, THE PREMISES CONSIDERED, UTC respectfully urges the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

UTC

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